

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JUNE 28, 2010

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY JUNE 1, 2010

AMENDED IN ASSEMBLY APRIL 29, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1975

Introduced by Assembly Member Fong

February 17, 2010

An act to add Section 17922.14 to the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as amended, Fong. ~~Water~~ *Building standards: water* charges and meters: multiunit structures.

(1) The Water Measurement Law requires every water purveyor to require, as a condition of new water service on and after January 1, 1992, the installation of a water meter to measure water service. That law also requires urban water suppliers to install water meters on specified service connections, and to charge water users based on the actual volume of deliveries as measured by those water meters in accordance with a certain timetable.

~~This bill, contingent upon adoption by the California Building Standards Commission of specified building standards, would require~~

~~that architectural plans for individual dwelling units in certain multiunit structures, for which a building permit application is submitted on or after January 1, 2013, include, as a condition for the issuance of the building permit, would require a water purveyor that provides water service to a multiunit residential structure or mixed-use residential and commercial structure that is subject to specified building standards, to either adopt a general policy to require the installation of either a water meter, as defined, or a submeter, at the discretion of the water purveyor, with a specified exception as defined, to measure water supplied to each individual dwelling unit, or to inform, on an individual basis, an applicant for new water service as to whether a water meter or submeter is required to be installed for each individual dwelling unit. The bill would require the owner of the structure to ensure that a water submeter installed for these purposes complies with laws and regulations governing installation, certification, maintenance, reading, billing, and testing of water submeters. The bill would prohibit a water purveyor from imposing specified fees related to the installation of water meters and submeters, and would prohibit the owner of the a rental structure, or an association managing the structure, as specified, from assessing or collecting charges or fees related to the water meters and submeters water usage based on a submeter reading, from the occupants of the structure.~~

(2) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption.

This bill would require the Department of Housing and Community Development to develop and submit *to the commission* building standards ~~for that require~~ the installation of water meters ~~and or~~ submeters in ~~residential individual dwelling~~ units within a *newly constructed* multiunit residential structure or a mixed-use residential and commercial structure, as specified. ~~This~~ The bill would also ~~require that proposed building standards authorize the department to include criteria for exemptions for certain types of residential structures and where installation is deemed infeasible. The bill would require the commission, prior to adopting these proposed building standards, to determine that a sufficient number of water meters and submeters are available in the market.~~

The bill would also require the department, commencing on January 1, 2011, to convene a task force to develop recommendations for legislation to establish standards and procedures governing the practice of assessing and charging occupants of *rental dwelling units in* multiunit structures for water usage ~~by building owners and homeowners' associations for purposes of the water metering requirements imposed by the bill.~~ The bill would require the department to report the final recommendations of the task force to the Legislature no later than December 31, 2011, ~~and would declare legislative intent to subsequently enact comprehensive legislation relating to assessment and collection by owners and associations of charges and fees associated with water meters and submeters.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17922.14 is added to the Health and
2 Safety Code, to read:
3 17922.14. (a) During the next regularly scheduled building
4 standards ~~annual~~ code adoption cycle commencing on or after
5 January 1, 2011, the department shall develop and submit, pursuant
6 to Chapter 4 (commencing with Section 18935) of Part 2.5,
7 building standards ~~for the~~ *that require* installation of water meters
8 ~~and or~~ submeters in ~~residential units within a individual dwelling~~
9 ~~units within a newly constructed~~ multiunit residential structure or
10 ~~a newly constructed~~ mixed-use residential and commercial
11 ~~structures for purposes of Section 537 of the Water Code.~~ *structure.*
12 (b) (1) The department ~~shall~~ *may* determine circumstances
13 under which the installation of water meters or submeters ~~shall be~~
14 ~~deemed in individual dwelling units is~~ infeasible, and provide ~~an~~
15 ~~exemption~~ *exemption criteria* for these circumstances in the
16 proposed building standards. *A master meter shall be required for*
17 *any structure to which an exemption is provided under this*
18 *subdivision.*
19 (2) ~~The building standards proposed by the department pursuant~~
20 ~~to this section shall provide an exemption, at a minimum, for each~~
21 ~~of the following:~~
22 (A) ~~Low-income housing.~~

1 (2) *At a minimum, the department shall consider the*
2 *development of exemptions for structures in each of the following*
3 *categories:*

4 (A) *Low-income housing. For purposes of this subparagraph,*
5 *“low-income housing” means a residential housing development*
6 *financed with low-income housing tax credits, tax-exempt mortgage*
7 *revenue bonds, general obligation bonds, or local, state, or federal*
8 *loans or grants, and for which the rents of the occupants in lower*
9 *income households, as defined in Section 50079.5, do not exceed*
10 *rents prescribed by deed restrictions or regulatory agreements*
11 *pursuant to the terms of the financing or financial assistance.*

12 (B) *Student dormitories.*

13 ~~(C) Senior living facilities.~~

14 (C) *Long-term health care facilities, as defined in Section 1418.*

15 (D) *Time-share property, as defined in subdivision (aa) of*
16 *Section 11212 of the Business and Professions Code.*

17 (c) *The building standards developed pursuant to this section*
18 *shall require a meter or submeter used to measure water supplied*
19 *to an individual residential unit to be of a type approved pursuant*
20 *to Section 12500.5 of the Business and Professions Code, and to*
21 *be installed and operated in compliance with regulations*
22 *established pursuant to Section 12107 of the Business and*
23 *Professions Code.*

24 ~~(e) The commission~~

25 (d) *The California Building Standards Commission, prior to*
26 *adopting the building standards proposed pursuant to this section,*
27 *shall collaborate with other state entities, including, but not limited*
28 *to, the Division of Measurement Standards, to determine whether*
29 *a sufficient supply of water meters and submeters are available in*
30 *the market for purposes of compliance with the proposed building*
31 *standards.*

32 ~~(d)~~

33 (e) (1) *Commencing on January 1, 2011, the department shall*
34 *convene a task force to develop recommendations for legislation*
35 *to establish standards and procedures governing the practice of*
36 *assessing and charging occupants of multiunit structures for water*
37 *rental dwelling units in multiunit structures for water and sewer*
38 *usage by building owners and associations, as defined in*
39 *subdivision (a) of Section 1351 of the Civil Code, for purposes of*
40 *Chapter 8.5 (commencing with Section 537) of Division 1 of the*

1 ~~Water Code.~~ The task force shall be composed of representatives
2 of tenant organizations, property owners, ~~water purveyors, private~~
3 ~~and public water purveyors, environmental organizations,~~
4 ~~wastewater agencies, and other interested parties. The task force~~
5 ~~shall develop its final recommendations by June 30, 2011.~~

6 (2) The department shall report the final recommendations of
7 the task force to the Legislature no later than December 31, 2011.

8 (e)

9 (f) (1) The requirement for submitting a report imposed under
10 paragraph (2) of subdivision ~~(d)~~ (e) is inoperative on December
11 31, 2015, pursuant to Section 10231.5 of the Government Code.

12 (2) A report to be submitted pursuant to paragraph (2) of
13 subdivision ~~(d)~~ (e) shall be submitted in compliance with Section
14 9795 of the Government Code.

15 (g) *The following definitions govern the construction of this*
16 *section:*

17 (1) *“Master meter” means a meter that measures water usage*
18 *for an entire property or structure, which may include common*
19 *areas, and is read by the water purveyor.*

20 (2) *“Meter” has the same meaning as “water meter” in Section*
21 *516 of the Water Code.*

22 (3) *“Submeter” means a device that measures water*
23 *consumption of an individual unit within a master-metered*
24 *structure, and is read by the owner of the structure or the owner’s*
25 *agent.*

26 SEC. 2. Chapter 8.5 (commencing with Section 537) is added
27 to Division 1 of the Water Code, to read:

28
29 CHAPTER 8.5. MULTIUNIT STRUCTURES
30

31 ~~537. (a) (1) Architectural plans for individual dwelling units~~
32 ~~in a newly constructed multiunit residential structure or a~~
33 ~~mixed-use residential and commercial structure for which the~~
34 ~~application for a building permit is submitted on or after January~~
35 ~~1, 2013, shall include, as a condition for the issuance of the~~
36 ~~building permit, the installation of either a water meter or a~~
37 ~~submeter, at the discretion of the water purveyor, to measure water~~
38 ~~supplied to each individual dwelling unit.~~

39 (2) ~~Notwithstanding paragraph (1), a water purveyor shall not~~
40 ~~require installation of a submetering system for a multiunit~~

~~residential structure or mixed-use residential and commercial structure that is a part of a common interest development, as defined in subdivision (c) of Section 1351 of the Civil Code.~~

~~(b) A meter or submeter used to measure the water supplied to the dwelling unit pursuant to this chapter shall be of a type approved pursuant to Section 12500.5 of the Business and Professions Code and shall be installed and operated in compliance with regulations established pursuant to Section 12107 of the Business and Professions Code.~~

~~(c) (1) An owner of a structure described in subdivision (a) shall ensure that each submeter installed pursuant to subdivision (a) complies with all laws and regulations governing installation, certification, maintenance, reading, billing, and testing of water submeters. The owner shall be responsible for any costs associated with this paragraph.~~

537. The following definitions govern the construction of this chapter:

(a) "Master meter" means a meter that measures water usage for an entire property or structure, which may include common areas, and is read by the water purveyor.

(b) "Meter" has the same meaning as "water meter" in Section 516 of the Water Code.

(c) "Submeter" means a device that measures water consumption of an individual unit within a master-metered structure, and is read by the owner of the structure or the owner's agent.

538. (a) With respect to an application for a water connection or connections for a structure that is subject to building standards adopted pursuant to Section 17922.14 of the Health and Safety Code, a water purveyor shall do either of the following:

(1) Adopt a general policy to determine when the installation of either a water meter or submeter to measure water supplied to each individual dwelling unit shall be required. The water purveyor shall inform all local building departments within its service area of the policy.

(2) On an individual basis, and upon receipt of an application for new water service to the structure, inform the applicant, and the appropriate local building department, as to whether a water meter or submeter is required to be installed to measure water supplied to each individual dwelling unit in the structure.

1 (b) (1) *If the water purveyor requires installation of submeters*
2 *pursuant to subdivision (a), the owner of the structure shall ensure*
3 *that each submeter installed complies with all laws and regulations*
4 *governing installation, certification, maintenance, reading, billing,*
5 *and testing of water submeters.*

6 (2) ~~This section~~ *subdivision* does not require a water purveyor
7 to fund or assume responsibility for ensuring compliance with any
8 law or regulation governing installation, certification, maintenance,
9 reading, billing, and testing of water submeters and associated
10 onsite plumbing.

11 ~~(d)~~
12 (c) A water purveyor shall not charge an owner of a structure
13 ~~described in subdivision (a)~~ *that is subject to building standards*
14 *adopted pursuant to Section 17922.14 of the Health and Safety*
15 *Code, or his or her agent, a fee, charge, or assessment, either*
16 *directly or indirectly, for the installation, approval, connection, or*
17 *use of a water meter or submeter that is installed by the owner or*
18 *his or her agent. This subdivision shall not be construed to restrict*
19 *the authority of a water purveyor to collect fees or charges for*
20 *meters or connection and installation of meters, or other fees or*
21 *charges associated with providing and maintaining water service,*
22 *as described in the water purveyor's authorized tariffs or rates.*

23 ~~(e) An owner of a structure described in subdivision (a), or an~~
24 ~~association, as defined in subdivision (a) of Section 1351 of the~~
25 ~~Civil Code, that manages a structure described in subdivision (a),~~
26 ~~shall not assess or collect from occupants any charges or fees~~
27 ~~associated with the installation, certification, maintenance, reading,~~
28 ~~billing, and testing of water meters or submeters for purposes of~~
29 ~~this chapter.~~

30 (d) *An owner of a rental structure subject to building standards*
31 *adopted pursuant to Section 17922.14 of the Health and Safety*
32 *Code, and in which a water submeter is installed on or after the*
33 *effective date of those building standards, shall not assess or collect*
34 *from occupants any charges or fees associated with water usage*
35 *based on a submeter reading. For purposes of this subdivision,*
36 *“water usage” includes services based on water usage, including*
37 *sewer service.*

38 ~~538.~~

39 539. It is the intent of the Legislature that this chapter should
40 not be construed to impose costs on any local government agency,

1 except to the extent that the local government agency is a water
2 purveyor subject to subdivision (a) of Section ~~537~~ 538.

3 ~~539. This chapter shall become operative upon the adoption~~
4 ~~by the California Building Standards Commission of building~~
5 ~~standards pursuant to Section 17922.14 of the Health and Safety~~
6 ~~Code.~~

7 ~~SEC. 3. It is the intent of the Legislature to enact subsequent~~
8 ~~comprehensive legislation to authorize an owner of, or an~~
9 ~~association, as defined in subdivision (a) of Section 1351 of the~~
10 ~~Civil Code, that manages, a structure described in subdivision (a)~~
11 ~~of Section 537 of the Water Code to assess and collect from~~
12 ~~occupants charges and fees associated with water meters and~~
13 ~~submeters for purposes of Chapter 8.5 (commencing with Section~~
14 ~~537) of Division 1 of the Water Code and to establish standards~~
15 ~~and procedures governing the practice of assessing and collecting~~
16 ~~charges and fees associated with water meters and submeters from~~
17 ~~occupants of structures governed by Chapter 8.5 (commencing~~
18 ~~with Section 537) of Division 1 of the Water Code.~~